

United States Court of Appeals
For the Eighth Circuit

No. 13-2500

Julio Roberto Fajardo

Petitioner

v.

Eric H. Holder, Jr., Attorney General of the United States

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals

Submitted: April 21, 2014

Filed: April 24, 2014

[Unpublished]

Before WOLLMAN, BOWMAN, and KELLY, Circuit Judges.

PER CURIAM.

Guatemalan citizen Julio Roberto Fajardo petitions for review of an order of the Board of Immigration Appeals, which upheld an immigration judge's denial of

asylum and withholding of removal.¹ After careful consideration, we first conclude that we lack jurisdiction to review the denial of asylum, because that denial was based on an unexcused delay in filing the asylum application. See 8 U.S.C. § 1158(a)(3) (no court shall have jurisdiction to review any determination of Attorney General regarding, inter alia, time limit for filing asylum application). We further conclude that the denial of withholding of removal was supported by substantial evidence on the record as a whole. See De Castro-Gutierrez v. Holder, 713 F.3d 375, 379-81 (8th Cir. 2013) (substantial-evidence standard for denial of withholding of removal); Tay-Chan v. Holder, 699 F.3d 107, 112-13 (1st Cir. 2012) (for purposes of withholding of removal, to establish clear probability of persecution based on family membership, it is not enough to show that multiple members of same family had negative experiences; rather, those experiences had to have been causally linked to family membership).

Accordingly, we deny the petition for review. See 8th Cir. R. 47B.

¹Fajardo was also denied relief under the Convention Against Torture, but he does not address this claim in his brief. See Chay-Velasquez v. Ashcroft, 367 F.3d 751, 756 (8th Cir. 2004) (petitioner waives claim that is not meaningfully raised in opening brief).